

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Fresh Air Environmental Services, Inc.
1514 S. Eastern Avenue
Commerce, California 90040

EPA ID# CAL 000 112 617

Respondent.

Docket HWCA 2006 -1095

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Fresh Air Environmental Services, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste at the following site: 1514 S. Eastern Avenue, Commerce, CA 90040(Site).

1.3. Inspection. The Department inspected the Site on January 19, 2006.

1.4. Authorization Status. Respondent is a registered Hazardous Waste Transporter., ID# 3878 that expired on February 28, 2006 and renewed annually.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the

terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.2. Respondent violated Health and Safety Code section 25201, subdivision (a), in that between March 2005 and July 2005, Respondent stored hazardous waste in excess of the ten (10) days allowed under the transfer exemption without a permit or grant of authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violation set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the

environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$4,000.

5.2. Payment of \$2,000 specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal, Unit Chief
Statewide Compliance Division
1011 N. Grandview Avenue
Glendale, CA 91201

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

5.5. The penalty shall be reduced by \$2,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I – IV, and submits to the Department a Certificate of Satisfactory Completion within 180 days of the effective date of this Consent Order.

5.6. If Respondent fails to submit the Certificate of Satisfactory Completion to the Department, the entire remaining balance of \$2,000 shall then become due and payable.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: May 9, 2006

Original signed by Kevan Stark, President
Kevan Stark, President - FAES
Respondent

Dated: May 30, 2006

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control